

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DOE NO. 1, *et al.*,

Plaintiffs,

Case No. 3:22-cv-337

vs.

BETHEL LOCAL SCHOOL DISTRICT
BOARD OF EDUCATION, *et al.*,

District Judge Michael J. Newman
Magistrate Judge Peter B. Silvain, Jr.

Defendants.

**ORDER: (1) REQUIRING THE PARTIES TO BRIEF WHETHER PLAINTIFFS HAVE
STANDING TO ASSERT FEDERAL LAW CLAIMS; AND (2) SETTING AN
EXPEDITED BRIEFING SCHEDULE ON DEFENDANTS' MOTION *IN LIMINE* (Doc.
No. 48)**

This civil case is before the Court following oral argument, held on February 7, 2023, on Plaintiffs' motion for a preliminary injunction (Doc. No. 5). Although the pending preliminary injunction motion only concerns Plaintiffs' state law claims—over which this Court may exercise supplemental jurisdiction—“the doctrine of supplemental jurisdiction does not alter Article III’s standing requirements.” *Hagy v. Demers & Adams*, 882 F.3d 616, 624 (6th Cir. 2018) (citing *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 351–53 (2006)). Accordingly, the parties are **ORDERED** to address Plaintiffs' Article III standing to assert their federal law claims under the following schedule:

1. Plaintiffs shall have until **February 17, 2023** to issue their brief on their standing to assert their federal law claims;
2. Defendant and Intervenor-Defendant shall have **ten days after the filing of Plaintiffs' brief** to file their briefs in response;

3. Plaintiffs may, but are not required to, file a reply brief **five days after the filing of Defendants' briefs.**

Moreover, on the eve of the preliminary injunction hearing, Defendants filed a motion *in limine* to strike an affidavit from Plaintiffs' reply brief. *See* Doc. No. 48. Considering the need for prompt adjudication in the present case, the Court **SETS** an expedited briefing schedule on Defendants' motion *in limine*:

1. Plaintiffs shall have until **February 17, 2023** to issue their response in opposition to Defendants' motion *in limine*;
2. Defendants may, but are not required to, file a reply brief **five days after the filing of Plaintiffs' brief.**

IT IS SO ORDERED.

Date: February 8, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge